



A33251-PCT-USA (071800.0135)  
PATENT

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JP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Michael Peterson  
Serial No. : 09/622,385 Examiner : Irene Marx  
Filed : November 6, 2000 Group Art Unit : 1651  
For : PROCESS FOR PREPARING TRIFLUORO-3(R)-  
HYDROXYBUTYRIC ACID DERIVATIVES

**RESPONSE**

I hereby certify that this paper is being deposited  
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January 5, 2004

Date of Deposit

Rochelle K. Seide

Attorney Name

*Rochelle K. Seide*

Signature

32,300

PTO Reg. No

January 5, 2004

Date of Signature

**Mail Stop Issue Fee**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This paper is submitted in response to the Notice of Drawing Inconsistency with  
Specification mailed December 6, 2004 for the above-identified patent application.



**REMARKS**

This paper is submitted in response to the Notice of Drawing Inconsistency with Specification ("the Notice") mailed December 6, 2004 for the above-identified patent application. The Examiner has stated that Figures 1 and 2 are listed in the Brief Description of the Drawings in the specification but not contained in the Drawings. It is respectfully submitted that Figures 1 and 2 were included in the International application and also in the translated application originally filed on August 16, 2000. However, in response to the Notice, Applicants submit herewith Figures 1 and 2 as originally filed.


Applicants believe that no fees are due with this communication. In the event that fees are due, the Commissioner is hereby authorized to charge payment of any such fees to Deposit Account No. 02-4377.

Respectfully submitted,

Rochelle K. Seide  
Patent Office Reg. No. 32,300

Attorney for Applicant  
(212) 408-2626

Baker Botts L.L.P.  
30 Rockefeller Plaza  
New York NY 10112

**BAKER BOTTS LLP**Please type a plus sign (+) inside this box → **TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

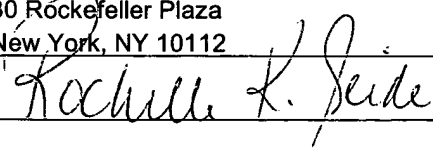
Application Number	09/622,385
Filing Date	August 16, 2000
First Named Inventor	Peterson
Group Art Unit	1651
Examiner Name	Marx, Irene
Attorney Docket Number	A33251-PCT-USA

Total Number of Pages in This Submission

**ENCLOSURES (check all that apply)**

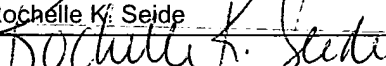
- |  |  |   |         |                                     |  |  |
|--|--|---|---------|-------------------------------------|--|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input checked="" type="checkbox"/> Amendment / Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/ Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application)<br><input checked="" type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br><br>Postcard |         |                                     |  |  |
| <table border="1"><tr><td>Remarks</td><td><input checked="" type="checkbox"/></td></tr><tr><td colspan="2">This paper is submitted in response to the Notice of Drawing Inconsistency with Specification mailed December 6, 2004 for the above-identified patent application.</td></tr></table>  |  |   | Remarks | <input checked="" type="checkbox"/> | This paper is submitted in response to the Notice of Drawing Inconsistency with Specification mailed December 6, 2004 for the above-identified patent application. |  |
| Remarks  | <input checked="" type="checkbox"/>  |   |         |                                     |  |  |
| This paper is submitted in response to the Notice of Drawing Inconsistency with Specification mailed December 6, 2004 for the above-identified patent application.   |  |   |         |                                     |  |  |

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	BakerBotts LLP 30 Rockefeller Plaza New York, NY 10112
Signature	 Att Name: Rochelle K. Seide PTO Reg: 32,300
Date	January 5, 2005

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on this date: January 5, 2005

Typed or printed name	Rochelle K. Seide
Signature	
Date	January 5, 2005



**BAKER BOTTS** LLP

Attorney Docket Number: A33251-PCT-USA

Title:

PROCESS FOR PREPARING TRIFLUORO-3(R)-HYDROXYBUTYRIC ACID DERIVATIVES

Use Space Below for Additional Information:

BAKER BOTTS LLP

# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$0)

## Complete if Known

Application Number 09/622,385  
Filing Date August 16, 2000  
First Named Inventor Peterson  
Examiner Name Marx, Irene  
Art Unit 1651  
Attorney Docket No. A33251-PCT-USA

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number  
Deposit Account Name

02-4377

Baker Botts LLP

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee required under 37CFR 1.16 and 1.17

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$0)

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	- 20 = 0	X	0
Multiple Dependent	- 3 = 0	X	0

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$0)

\*or number previously paid; If greater, For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	0
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,300	2453 650	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 630	2503 315	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	0
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$0)

## SUBMITTED BY

Name (Print/Type)

Rochelle K. Seide

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Rochelle K. Seide

Registration No. (Attorney/Agent)

32,300

(Complete if applicable)

Telephone (212) 408-2626

Date

January 5, 2005